

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

VICTOR M. AVALOS, AND CAROLINA  
B. LARA,

Defendants.

**4:16CR3038**

**ORDER**

IT IS ORDERED:

- 1) Defendant Avalos's motion, (Filing No. 109), is granted.
- 2) Defendant Avalos need not be physically present at the suppression hearing, but he must attend by telephone.
- 3) To permit Avalos's participation in his own defense, before and at the close of the questioning of a witness by Avalos's counsel, Avalos and his counsel will be afforded an opportunity to confer by phone. The court's phone connection with Defendant Avalos will not be disconnected for these discussions, and those in the courtroom will not be asked to step out. So Avalos must have a separate phone for communicating with his attorney (e.g., a cell phone), and his attorney will be allowed to step out of the courtroom and, using a separate phone (e.g., a cell phone), can make or receive telephone calls to speak with Defendant Avalos.
- 4) By failing to personally attend the hearing, Defendant Avalos is waiving any claim that he was not afforded adequate notice, due process, and ability to assist in his own defense during the course of the suppression hearing.

July 12, 2016.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge